

UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN -- SOUTHERN DIVISION

JODY FIRNENO

Plaintiff

-vs-

Case No.

Hon.

CLASS ACTION COMPLAINT

SCOTT LOWERY LAW OFFICE, P.C.,
BRAD STEWART
Defendants

COMPLAINT & JURY DEMAND

Jody Firneno states the following claims for relief:

Jurisdiction

1. This court has jurisdiction under the FDCPA, 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331,1337.
2. This court may exercise supplemental jurisdiction over the related state law claims arising out of the same nucleus of operative facts which give rise to the Federal law claims.

Parties

3. The Plaintiff to this lawsuit is Jody Firneno who resides in Plymouth, MI 48170.
4. The Defendants to this lawsuit are
 - a. Scott Lowery Law Office, P.C. ("P. Scott Lowery, P.C.") which is a corporation collecting debts in Michigan and whose resident agent, Kayla Elizabeth Liggett, maintains its office at 5680 Greenwood Plaza Blvd, Suite 500 , Greenwood Village,

CO 80111.

- b. Brad Stewart who is an employee of P.Scott Lowery, P.C. and who at all times relevant to the complaint sought to collect consumer debts and is a "debt collector" for purposes of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq.

Venue

5. The transactions and occurrences which give rise to this action occurred in Wayne County.
6. Venue is proper in the Eastern District of Michigan.

General Allegations

7. Some time prior to December 6, 2012, P. Scott Lowery, P.C. was engaged by to collect a debt allegedly owed by Jody Firreno.
8. Scott Lowery, P.C. assigned its collector Brad Stewart to collect the debt from Ms. Firreno.
9. On or about December 3, 2012, Brad Stewart called Ms. Firreno's ex-husband.
10. In the communication with Ms. Firreno's ex-husband, Brad Stewart communicated that Scott Lowery, P.C. sought to collect a debt from Ms. Firreno.
11. Since December 3, 2012, the offices of P.Scott Lowery have mad multiple calls to Ms. Firreno's ex husband in an effort to shame and harass Ms Firreno into paying the debt.
12. Scott Lowery, P.C. asked Ms.Firreno's ex-husband to communicate on his behalf that he wanted to talk to Ms. Firreno and left a phone number of (***)***-0012 extension 1605.

COUNT I – Fair Debt Collection Practices Act (P. Scott Lowery, P.C. and Brad Stewart)

13. Ms. Firreno incorporates the preceding allegations by reference.
14. At all relevant times P. Scott Lowery, P.C. and Brad Stewart regularly engaged in the practice of collecting debts on behalf of other individuals or entities.

15. P. Scott Lowery, P.C. and Brad Stewart are "debt collectors" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).
16. At all times relevant to this complaint, P. Scott Lowery, P.C. and Brad Stewart sought to collect a "consumer" debt from Ms. Firneno.
17. P. Scott Lowery, P.C.'s and Brad Stewart's actions to collect this alleged debt from Ms. Firneno violated the provisions of the FDCPA including, but not limited to 15 U.S.C. §§ 1692b(2), 1692c(a)(1), 1692c(b), 1692e, and 1692f.
18. Ms. Firneno has suffered damages as a result of these violations of the FDCPA.

COUNT II – Michigan Occupational Code (P. Scott Lowery, P.C.)

19. Ms. Firneno incorporates the preceding allegations by reference.
20. P. Scott Lowery, P.C. is a "collection agency" as that term is defined in the Michigan Occupational Code ("MOC"), M.C.L. § 339.901(b).
21. Ms. Firneno is a debtor as that term is defined in M.C.L. § 339.901(f).
22. P. Scott Lowery, P.C.'s foregoing acts in attempting to collect this alleged debt against Ms. Firneno constitute violations of the MOC including but not limited to the following: M.C.L. §§ 339.915(m), 339.915(n), 339.915(q)
23. Ms. Firneno has suffered damages as a result of these violations of the MOC
24. These violations of the MOC were willful.

COUNT III – Michigan Collection Practices Act (P. Scott Lowery, P.C.)

25. Ms. Firneno incorporates the preceding allegations by reference.
26. P. Scott Lowery, P.C. is a "regulated party" as that term is defined in the Michigan Collection Practices Act ("MCPA"), M.C.L. § 445.251(g).

27. P. Scott Lowery, P.C. 's foregoing acts in attempting to collect this alleged debt against Ms. Firneno constitute violations of the MOC including but not limited to the following: M.C.L. §§ 445.252(m), 445.252(n), 445.252(q)
28. Ms. Firneno has suffered damages as a result of these violations of the MCPA
29. These violations of the MCPA were willful.

Demand for Jury Trial

30. Plaintiff demands trial by jury in this action.

Demand For Judgment for Relief

31. *Accordingly, Ms. Firneno requests that the Court grant:*
- a. Actual damages for items including emotional distress, mental anguish, frustration, humiliation, and embarrassment.*
 - b. Statutory damages.*
 - c. Treble damages.*
 - d. Statutory costs and attorney fees.*

Respectfully Submitted,

By: s/ Ian B. Lyngklip
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